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Washington, DC -- The following is the full text of a speech by Dr. Robert R. Davila, Assistant Secretary, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Washington, DC. Dr. Davila gave this keynote address on June 30, 1992, before the 31st Biennial Convention of the National Association of the Deaf in Denver, Colorado.

In this address, Dr. Davila touches on a number of topics, including the issue of least restrictive environment for students who are deaf.

SCALING NEW HEIGHTS

Robert R. Davila

It gives me great pleasure to be here with you today. I have gone out and spoken to hundreds of different groups on a wide range of topics since I became Assistant Secretary of Education. And I can honestly tell you that I have especially looked forward to my visit with you today. That is partly because I am among many of my oldest and dearest friends and colleagues, people for whom I have the greatest respect. But more than that, I have something of importance to tell you today. I am not here with a business-as-usual type of speech. I am hopeful that what I have to tell you has great potential for the future of deaf people, and especially deaf children, in this country.

When the report of the Commission on Education of the Deaf (COED) was issued with its fifty-two recommendations, we all had a couple of options for how to deal with it. We could congratulate Frank Bowe and the Commission members for all their fine work, and then let the report lay around for a few months until we slipped it onto a bookshelf never to be looked at again. Or, we could view it as a basis for long-term change, a blueprint for action. About a year-and-a-half after the report was issued, I was appointed by President Bush to my current position. I suddenly found that my choice between these two options would have an impact on the lives of thousands and thousands of deaf children and adults all across this country. I chose to recognize the potential of these recommendations for long-term change, and my administration has taken

and continues to take significant and meaningful actions in response. Of course, not all or even most of the fifty-two recommendations fall into my area of responsibility, and we don't have enough time today for me to give you an update on all the recommendations my office has acted on. But some of our actions merit a status report.

Some of the most important of the COED recommendations, in my estimation and based on what we hear from you, are the recommendations numbered four through eleven. These eight recommendations are about placement considerations for deaf children in terms of appropriate education as related to the least restrictive environment (LRE), and parents' rights. I don't need to tell you about the problems we've faced in these areas. I was very much involved in dealing with these issues when I was an educator of the deaf. The bottom line, for the COED and for me, is that the purpose of P.L. 94-142, now renamed the Individuals with Disabilities Education Act (IDEA) --- "to assure that all children with disabilities have available to them a free appropriate public education...designed to meet their unique needs..." --- has simply not been achieved for many deaf students. Contrary to what the statute requires, an appropriate education based on the child's unique needs is not being provided to many deaf children. I believe there are a lot of reasons for this, many of which can not and should not be addressed by the federal government. But if you asked me for the single issue that most thwarts our attempts to provide an appropriate education for deaf children, I would tell you the same thing that the COED so convincingly demonstrated in its report: the interpretation and application of the LRE provision.

Now, I want to be very clear about what I am saying here. Notice that I did not say that the LRE provision itself is the problem. In fact, I believe that nothing in the law or even the regulations has specifically caused many deaf children to be denied an appropriate education. Rather, the problem is the way the LRE provision has been generalized and applied, or misapplied. In some ways it is ironic. Ironic that a law that has at its very heart the provision of an appropriate education based on each child's individual and unique needs, has become so generalized in everyday practice. School districts are applying the LRE provision by generalizing that placements in or closer to the regular classroom are somehow inherently less restrictive for all children with disabilities. While this may be true for many children with all types disabilities, you and I know that for a deaf child, these settings may be completely isolating due to communication factors. Simply placing a deaf child in a classroom with children who are not deaf does nothing for anyone if they are unable to communicate and benefit from their interactions. You and I know this, and now is the time for us to do something about it.

I am concerned that some school districts, rather than actually determining the LRE for each child based on individual needs - - as required by the law and its

regulations -- in practice, may be placing deaf children in an environment with untrained staff and unqualified interpreter support in the belief that a program in a regular public school setting that fails to meet the educational needs of a deaf child is preferable to a program in a special school or center program for the deaf that meets those needs. In fact, school officials may believe they are precluded from considering placements that are viewed by some as "more restrictive" because of the strong tilt toward mainstreaming that has been reflected in federal policy. The result is that what is determined an appropriate education for a deaf child is too often driven by the location of the placement, rather than by education and related services specific to the child's particular needs. We are more convinced than ever that this is wrong. You and I know it, and we want to do something about it before we lose a generation of deaf children.

Of course, the regular classroom and local programs are entirely appropriate for some deaf students. I want to emphasize this with you. And for those children, the NAD and all of us must work to ensure that they get that opportunity and get all the support services they need. My point here is that the placement decision should and must be based on the particular needs of the child, not on some preconceived and generalized notion of what is best for all children. We know it, and we can do something about it.

What exactly can we do to correct this situation? The answer, really, is fairly simple on the surface. We can address the concerns reflected in recommendations four through eleven of the COED report. Yes, that sounds simple enough, but some of you in this room have been advocating for that very thing to happen since the report came out. So what is different now? One thing I did not need to learn when I became Assistant Secretary, because I already knew it, was that stronger federal leadership was needed in the education of deaf children. I had discussions with some of you about the changes that needed to occur, and I told you that things could happen, would happen, but that it would not be overnight. I understood your frustrations on behalf of your own and other deaf children, because they were also my frustrations. Sure, there were some areas that we could address head-on and quickly. And this experience proves the theory that federal funding in and of itself is not the answer to all our problems. I was immediately able to focus more attention on the serious needs and lack of services for deaf children and adults, and the Office of Special Education and Rehabilitative Services (OSERS) is now spending more than \$150 million on projects targeted specifically toward deafness. This amount does not include funds provided by the formula grant programs, our largest funding sources. We have made giant strides; for example, in the area of long-term rehabilitations training programs in deafness, we have doubled our funding since 1988, so that we now spend almost \$2 million in this one area alone. But I also understood that it was important to approach real change in the context of substantive, long-term improvements in the education of deaf children. Change that would outlast my tenure at the

Department of Education, not some quick fix that would disappear the day after I left office. And to achieve this long-term change, I knew I had to lay the groundwork throughout the Department of Education and with key constituencies outside the Department. For what I had in mind, it would not be enough to effect the needed changes simply in the context of the Office of Special Education and Rehabilitative Services. My goal was to involve others and the Department as a whole in this effort, so that the changes I ultimately implemented would permeate policy across the board.

I want to inform you that from this day forward, federal policy on the education of deaf students and our communications about that policy will support the law in its tenet that the provision of an appropriate education is paramount. The perception of the COED in 1988 was that LRE, as applied by federal, state, and local education agencies, was the major cause of large numbers of deaf students being denied an appropriate education. Now, on June 30, 1992, it is still the case. But that is about to change. From this day forward, the U.S. Department of Education takes a giant step toward fulfilling our obligations to students who are deaf, with a policy approach emphasizing that which is paramount in the statute, the provision of an appropriate education.

There are many children with a variety of disabilities for whom the Department's emphasis on LRE has been beneficial, helping them secure an appropriate education. I have been and remain an advocate for parents who seek integrated settings for their children with disabilities. But the COED found that this has not yet been the case with many deaf children. Deaf children, too, are entitled to an appropriate education, and you and I must be sure they receive it.

This emphasis on appropriateness is not a change in the law, or even a change in the regulations. This is simply going back to the heart of the law. I strongly believe that the framers of the original P.O. 94-142 never intended for LRE to overshadow the law's stated purpose -- an appropriate education based on the child's unique needs -- for even one child. And so what I am doing, what the U.S. Department of Education is doing, is shifting the focus back to this stated purpose. I have had lengthy discussions with the General Counsel of the Department of Education, our chief legal officer, about some of the more difficult issues in the education of deaf students and the promise of the COED recommendations in addressing those issues. At my request, he has thoroughly reviewed these eight COED recommendations and he assures me that the concerns they reflect are not inconsistent with the IDEA and its regulations. He understands and believes, as I do, that many of the recommendations restate principles embodied in the law. So we are going back to the law, and using COED recommendations number four through eleven as a basis, we are going to alleviate what the COED identified as the most serious obstacles preventing deaf children from receiving an appropriate education.

We are developing an aggressive plan of action to address the concerns the COED so clearly described in recommendations number four through eleven, in the areas of appropriate education and parental rights. I cannot share all the specifics of our plan with you today, but let me just give you an idea of our activities.

First, in the very near future, the Department will issue guidance that will clarify federal policy in a number of key areas. We will clarify that the IEP for a deaf child should take into consideration factors such as severity of hearing loss and the potential for using residual hearing; academic level and learning style; communication needs and the preferred mode of communication; linguistic, cultural, social, and emotional needs; opportunities for peer interactions and communication; placement preference; individual motivation; and family support. This policy guidance will also describe our emphasis on appropriateness, which is at the very heart of the law, in determining the least restrictive environment for deaf children.

In this policy guidance, we will advise states and school districts that they can, indeed should, consider curriculum content and methods of delivering the curriculum in terms of an individual deaf child's needs when making placement decisions. We will also clarify how school officials and parents can consider potential harmful effects on the deaf child when selecting the least restrictive environment. In doing so, we will be able to direct consideration to the appropriateness of the education services and the placement, based on the child's individual needs, and help define what constitutes an appropriate education for a deaf child.

We will communicate, as we have in many policy letters during my tenure, that each state must ensure that a full continuum of alternative placements -- including regular classrooms with support services, and special schools -- is available to meet the needs of deaf students for special education and related services. The options on the continuum of alternative placements must be made available to the extent necessary to implement each child's IEP. We will strongly encourage states to adopt policies and procedures whereby local education agencies inform parents of the placement options available to their children.

This policy guidance will be only the first step, not an end in and of itself. We will be issuing ongoing guidance and clarification in these areas, often in the form of memos to the state education agencies. These SEAs, in turn, are responsible for how special education and related services are provided to children with disabilities. We will be giving the States technical assistance, in the form of training and responding to their questions about our policy. Our monitoring and compliance activities will be revised to reflect our policy in this area. These are some of the ways we will effect long-term, substantive change.

I mentioned earlier the importance of involving external groups in our efforts to improve education for deaf children. A key group is the people from each of your states who are responsible for all of the special education programs. I am pleased to say that the National Association of State Directors of Special Education is working with the leadership of the NAD and the Conference of Educational Administrators Serving the Deaf (CEASD) on a Deaf Initiatives Project that I believe will have far-reaching effects. This OSERS-funded project grew out of an initiative that I supported and which was launched at an action seminar that NASDSE hosted last year. Dr. Rosen and other NAD leaders were participants, and NAD has been offered a significant role in this project because you are recognized as the major consumer organization with knowledge about and vested interest in educational programs for deaf children. This project is linking state directors of special education with administrators of deafness programs, and working to develop and disseminate standards in a number of important areas. This is not a project about placement, although the principles of appropriateness will be stressed. Rather, this is a project about quality services for deaf children regardless of the location of their placement. Every deaf child is entitled to a high quality education, no matter where he or she goes to school, and this project has the potential to make this happen. The involvement of state directors of special education in a project focusing on deafness is something that would not have happened a few years ago, and I am delighted that the NAD is a key participant in this important work. I encourage you to maintain that involvement and use this project as a means for fulfilling your advocacy responsibilities on behalf of all deaf children.

Some of our states are already showing great leadership in addressing both quality and placement issues for deaf children. Pennsylvania, under the leadership of state director of special education Dr. James Tucker, recently developed what I consider to be a model policy that clearly describes what factors should be considered in developing an IEP and then making placement decisions for deaf children. Pennsylvania has also recognized its center schools for deaf children to be "magnet" schools, a concept that has possibilities for other states as well. I have shared this policy with Dr. Rosen, and I encourage every one of you to get a copy from the NAD office. When you go home, meet with representatives from your own state government and encourage them to adopt a similar policy. Dr. Tucker told me that this policy is the result of ongoing communication with deaf people in his state. Who can make sure that a similar policy is adopted in your state? You can, and as a deaf leader, you have a responsibility to work toward that.

[Right here in Colorado, you have a situation where one of the national leaders in the inclusion movement is also one of the strongest supporters of center schools for deaf students. Brian McNulty, executive director of the office of special services at the Colorado Department of Education, has had a strong push for moving students with disabilities out of state schools and institutions and back to]

school districts -- that is, except for deaf students. Dr. McNulty, like Dr. Tucker in Pennsylvania, has gone to the trouble of learning and understanding about the special and unique needs of deaf children. He knows that for most other disability groups, individual educational needs can often be met in the regular school and classroom. But he understands that a critical mass of deaf students is necessary for providing the intensive language-rich environment that is often required for an appropriate education. Dr. McNulty told me that people have asked him how he balances LRE with residential placements for deaf students. He says the answer is easy when you consider the needs of the individual students.

Let me move on. It would take a couple of hours to give you a rundown on all of the Department's activities related to the COED recommendations. It is important for you to know that all three components of my office -- the National Institute on Disability and Rehabilitation Research, the Office of Special Education Programs, and the Rehabilitation Services Administration -- have zeroed in on these recommendations and have worked hard to address them. We have taken these recommendations to heart, and they have had a real effect on federal programs and funding priorities. And today you have seen that they are having a real effect on federal policy.

The Department is researching language acquisition in deaf children, and we have plans to put even more money into this, including ASL research, next year. Our support of interpreter training, especially educational interpreters, has increased dramatically since the COED report, as has our support of all types of personnel training related not only to deafness but also to the significant numbers of deaf people with additional disabilities. We have increased services for low-functioning deaf persons, and we are taking significant steps to improve services for deaf-blind children and adults. Just last month we supported the National Symposium on Technology Applications for Deaf Students, as recommended by the COED, and we asked the symposium sponsors and participants to help us as the Department develops a national agenda in this important area as we move into the next century.

The COED also made some recommendations in the area of postsecondary education. The Department is now conducting a study on postsecondary educational opportunities for deaf persons. We plan to use this information as part of our assessment of existing postsecondary programs, and to help us determine future directions. We already know from previous research that deaf students enroll for coursework at the postsecondary level at a higher rate than any other disability group, but that they also have a high attrition rate. We hope to find out why, and then to be able to focus federal support in a way that will help ensure success for more deaf students.

Finally, several recommendations for the COED deal with areas that are covered by the Education of the Deaf Act, the law that authorizes Gallaudet University and the National Technical Institute for the Deaf. It happens that this legislation is due to be reauthorized by the Congress this year, and the Department has already been sent our legislative proposal to Congress, so I want to share a few of the key points in our bill with you that relate to COED recommendations. We are recommending that Kendall Demonstration Elementary School (KDES) and the Model Secondary School for the Deaf (MSSD) have a clearly defined responsibility for serving students with a broad spectrum of needs, including students who are academically lower functioning, who are from non-English speaking homes, who have additional disabling conditions, or who reside in rural areas. We also propose expanding MSSD's authority to include students preparing for postsecondary opportunities other than college, and we are proposing some provisions that will increase Gallaudet's and NTID's accountability in the use of the approximately \$116 million in federal funds these two institutions receive annually.

This past March I had the honor of participating in the Excellence and Equity conference on the Black deaf experience in Atlanta. I want to congratulate the NAD for co-sponsoring this conference, and the upcoming conference on the Hispanic deaf experience in San Antonio this fall. The Department is providing financial support for these two conferences, even though we do not, as a rule, fund conferences. We are doing it because we have been appalled at the serious needs in these sectors of the deaf community. As I have traveled the country these past three years, I have seen again and again that our deaf community is really many communities. Yes, we have similarities and common concerns, and we also have significant differences and broadly divergent needs. As the most powerful and nationally-recognized representative of deaf people in this country, the NAD has a special responsibility to give attention to the concerns and the needs of deaf people who are African Americans, Hispanic Americans, Asian Americans, and Native Americans. Speaking personally, I have developed a whole new awareness and appreciation of my own Hispanic culture during the past three years. Without any way minimizing my respect for my own deaf culture, moving into a broader arena outside the field of deafness has given me a chance to explore and appreciate the Hispanic part of Robert Davila in a way that I never did before. I am sure some of you in the audience understand what I mean. As you go home to scale new heights after this conference, I implore you to attend to the deaf community's multicultural aspects and to broaden your advocacy efforts to include those who need the NAD the most and who have the most to contribute to our increased understanding of the community's diversity. It is time for the NAD to be truly representative of all deaf people. A large segment of the deaf community is still absent, and we have a responsibility to be inclusive. The NAD has been talking about the inclusion of representative groups within its membership for years. It is time for bold,

concerted action to support this commitment. We in the federal sector expect this leadership from you.

Our schools have a multicultural responsibility to students from diverse ethnic, racial, and cultural backgrounds. I grew up in a Spanish-speaking family, and my 90-year-old mother still primarily speaks Spanish. I value and respect the Spanish language, just as I value ASL and English. My Hispanic culture is as important to me as my deaf culture. Our deaf children's family cultures, heritages, and languages should be honored and nourished, and at no time should we try to fit all deaf children into any one mold. My point is that even a bicultural instructional approach alone is not sufficient for many of us. It is not the federal government's business to go into schools and advocate for any one method of instruction over another. We leave decisions about methods of instruction in the hands of competent professionals and parents. It is the educators' responsibility, along with parents, to work through the IEP process as required by law to determine the appropriate education for each individual deaf child. Our responsibility, in the federal government, is to be sure that the rights of each deaf child are not violated or compromised as a result of any one type of programming, and that programming decisions are made on an individual basis as required by law.

I do have a concern that programs adopting a narrow communication approach, one that proscribes a single communication method or philosophy across the board, may dangerously narrow their focus to the point that such school's admissions will ultimately be far more limited than they would wish and their very viability will be threatened. In the past, residential schools or center schools were appropriately viewed as comprehensive programs that could meet the individual needs of any deaf child, largely due to the skill, expertise, and adaptability of specially trained staff. This concept of the comprehensive school was also instrumental in the establishment of the Special School of the Future project, the founding of MSSD and Kendall as national demonstration schools, and in many schools becoming educational resource centers on deafness for entire states or regions. But now, schools that adopt a much narrower approach and limit themselves to a stringent communication policy, regardless of the mode, run the risk of excluding themselves from the list of viable options when families are making decisions about education. We also have to realize that the fewer children our schools serve, the more expensive their individual education becomes. And in these times of tight state budgets, this is an area that has to be considered. It greatly concerns the public that the per capita cost of some residential school placements exceeds \$50,000 per year. Those who have designed programs that limit children's and teachers' communication to a single mode, as a school-wide, all-encompassing policy or practice, may not have thoroughly considered these long-range issues. These are not areas that the federal government involves itself in, but I hope that this field is seriously thinking of these issues as it looks to the future.

As a final word on this subject, I go back to my responsibility to ensure that decisions about the education that an individual deaf child receives is based on his or her individual needs. We have no more right to make a unilateral statement that every deaf child should learn exclusively through the use of American Sign Language, than we have to say that every deaf child should learn exclusively through speech and lipreading.

I have told you a lot today about our activities in the federal government, what we have done in response to the recommendations of the Commission on Education of the Deaf. We still need to do more, and we will. But we are not alone in our responsibilities. You, too, have grave responsibility, as individuals and collectively as the National Association of the Deaf.

I have outlined some of the actions the Department will take in the near future to refocus federal policy as it relates to the education of deaf children. But the effect of my actions, the actions of the Department, are dependent upon you and your responses. If you, the NAD, truly want to achieve lasting change and reclaim the future for the education of deaf children, you must take action. Work with your state association to take the Pennsylvania policy I spoke about your state department of education. Work with officials in center schools and local school districts to make sure the services for every deaf child in your state are of the very highest quality. Help those schools and programs become accountable for the education of every deaf child. Be part of your community's plan for AMERICA 2000, President Bush's strategy to achieve the National Education Goals for all students.

I want to close by complimenting your leadership's wisdom in selecting the theme of this conference, "Scaling New Heights," because the real promise of NAD is for the future. The actions you take today and next week and during the next two years back in your own communities and states will shape the future for deaf children and adults. It is an awesome responsibility to shoulder. I thank you for accepting that responsibility, I wish you every success, and I look forward to continuing to work with you to create the future for deaf children and adults.